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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JESSE LEE HARRIS,

15 Defendant.
16

Case No. 18-mj-70699 MAG (NC)

DETENTION ORDER

Hearing: May 23, 2018

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18 In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), the Government
19 moved for detention of the defendant JESSE LEE HARRIS, and the Court on May 23,
20 2018, held a detention hearing to determine whether any condition or combination of
21 conditions will reasonably assure the appearance of the defendant as required and the safety
22 of any other person and the community. This order sets forth the Court's findings of fact
23 and conclusions of law as required by 18 U.S.C. § 3142(i). The Court finds that detention is
24 warranted.

25 The defendant was present at the detention hearing, represented by his attorney
26 AFD Robert Carlin. The Government was represented by Assistant U.S. Attorney Patrick
27 Delahunty.

28 The defendant is charged with a supervised release violation in the Eastern District
Case No. 18-mj-70699 MAG (NC)

1 of California, and was notified of the charge and of his rights upon his initial appearance in
2 this District. The defendant is presumed innocent of the charges and has a right to a
3 hearing. *See* 18 U.S.C. § 3142(j).

4 The detention hearing was held publicly. Both parties were allowed an opportunity
5 to call witnesses and to present evidence. Both parties presented their arguments by way of
6 proffer through counsel. Both parties may appeal this detention order.

7 **WRITTEN FINDINGS OF FACT AND STATEMENT OF REASONS**

8 The Court has taken into account the factors set out in 18 U.S.C. § 3142(g) and all of
9 the information submitted at the detention hearing and finds as follows. Under Federal Rule
10 of Criminal Procedure 32.1 and 18 U.S.C. § 3142(a)(1), the burden is on the accused to
11 establish by at least clear and convincing evidence that the accused will not flee or pose a
12 danger to any person or to the community. Here, HARRIS did not satisfy his burden as to
13 risk of flight. He left the Eastern District of California without providing notice to the
14 probation office. His housing and employment (asserted to be in this District) are
15 unverified. Until his arrest, his whereabouts were unknown to probation and the Court.

16 **DIRECTIONS REGARDING DETENTION**

17 The defendant is committed to the custody of the Attorney General or his designated
18 representative for confinement in a corrections facility separate, to the extent practicable,
19 from persons awaiting or serving sentences or being held in custody pending appeal. The
20 defendant must be afforded a reasonable opportunity for private consultation with defense
21 counsel. On order of a court of the United States or on the request of an attorney for the
22 Government, the person in charge of the corrections facility must deliver the defendant to a
23 United States Marshal for the purpose of an appearance in connection with a court
24 proceeding.

25 **IT IS SO ORDERED.**

26 Date: May 29, 2018

27 
Nathanael M. Cousins
United States Magistrate Judge